

53-3-104.5 Legislative finding -- Prohibition on implementing REAL ID Act.

- (1) As used in this section, "REAL ID Act" means the REAL ID Act of 2005 enacted by the United States Congress as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act, Pub. L. No. 109-13.
- (2) The Legislature finds that the United States Congress' enactment of the REAL ID Act into law:
 - (a) is inimical to the security and well-being of the people of this state;
 - (b) will cause unneeded expense and inconvenience to the people of this state; and
 - (c) was adopted in violation of the principles of federalism contained in the Tenth Amendment to the United States Constitution.
- (3)
 - (a) The state may not participate in the implementation of the REAL ID Act.
 - (b) The division:
 - (i) may not implement the provisions of the REAL ID Act; and
 - (ii) shall report to the governor any attempt by an agency or an agent of the United States Department of Homeland Security to secure the implementation of the REAL ID Act.
- (4) This section does not preclude the division from complying with provisions of the REAL ID Act that are already:
 - (a) adopted by administrative rule; or
 - (b) authorized under this code.

Enacted by Chapter 253, 2010 General Session